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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,240	10/17/2003	Reinhold Oppen	0275M-000769	2494

27572 7590 09/19/2005

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS, MI 48303

EXAMINER

EDMONDSON, LYNNE RENEE

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

1-P

<b>Office Action Summary</b>	<b>Application No.</b> 10/688,240	<b>Applicant(s)</b> OPPER, REINHOLD	
	<b>Examiner</b> Lynne Edmondson	<b>Art Unit</b> 1725	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 June 2005.  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18,22 and 28-38 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-18,22 and 28-38 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 22 and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Pryor (USPN 5380978).

Pryor teaches a method of processing a component comprising producing a single light beam, positioning the light beam at a reference position, placing a mark (hole) on the component to be processed, positioning the light relative to the mark, processing the component and aligning a connecting element (bolt/rivet) with the component at the reference point and a reference position (hole) in the workpiece (col 34 lines 10-40). Positions are adjusted throughout the process (col 17 line 51 – col 18 line 16 and col 20 lines 16-55).

3. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohmi et al. (USPN 5609077).

Ohmi teaches a device comprising a component processing system operable to process a component, a laser with a single beam and a reference position in the workpiece. A connecting element such as a nut is attached (col 3 lines 35-45, col 5 line 56 – col 6 line 6 and col 8 lines 53-58).

4. Claims 1-6, 10-18, 31, 33, 34, 36 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Stegmann et al. (USPN 6415050 B1).

Stegmann teaches a device comprising a component processing system operable to process a component, a laser with a single, variable beam (col 10 lines 9-50) and template (col 11 lines 20-23), marks (col 6 line 55 – col 7 line 19) and a reference position in the workpiece (col 4 lines 5-48). A connecting element such as a rivet is attached (col 11 lines 10-35).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 32, 35 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stegmann et al. (USPN 6415050 B1).

Stegmann teaches a device comprising a component processing system operable to process a component, a laser with a single, variable beam (col 10 lines 9-

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50) and template (col 11 lines 20-23), marks (col 6 line 55 – col 7 line 19) and a reference position in the workpiece (col 4 lines 5-48). A connecting element such as a rivet is attached (col 11 lines 10-35). Although the processing of three-dimensional objects is taught, there is no disclosure of an automobile.

It would have been obvious to one of ordinary skill in the art at the time of the invention that an automobile would be included in the general group of three-dimensional objects, which can be manufactured in this manner.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

8. Regarding applicant's argument that Pryor uses electro-optical guided positioning, it is noted that this system is used in combination with reference marks and a connecting element.

Therefore the rejection of claims 22 and 28-30 as anticipated by Pryor stands.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McClay et al. (USPN 4620656), Smith et al. (US 2002/0104207

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A1), Banks et al. (USPN 6073326), Pryor (USPN 6167607 B1), Van Osenbruggen (US 2002/0131267 A1) and Shuster (USPN 4480295).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynne Edmondson whose telephone number is (571) 272-1172. The examiner can normally be reached on Monday through Thursday from 6:30 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lynne Edmondson  
Primary Examiner  
Art Unit 1725

CEG  
9/19/05

LRE